

FILED

NOV 5 2003

**CATHY A. CATTERSON
U.S. COURT OF APPEALS**

NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

JOHN CARROLL,

Plaintiff,

and

PATRICK BARRETT,

Plaintiff - Appellee,

PATRICK KAHAWAIOLAA; VIRGIL
DAY; EMMETT LEE LOY,

Intervenors - Appellants,

OFFICE OF HAWAIIAN AFFAIRS,

Intervenor - Appellee,

v.

JAMES NAKATANI, in his capacity as
Chairperson/Director of the State of Hawaii
Department of Agriculture; PAUL
LAMAHIU, in his capacity as
Chairperson/Director of the State of Hawaii
Department of Education; TIMOTHY E.
JOHNS, in his capacity as
Chairperson/Director of the State of Hawaii
Department of Land and Natural Resources;

No. 01-15323

DC No. CV 00-641 DAE

ORDER

SEIJI NAYA, in his capacity as
Chairperson/director of the State of Hawaii
Department of Business Economic
Development & Tourism; KAZU
HAYASHIDA, in his capacity as
Chairperson/Director of the State of Hawaii
Department of Transportation; RAYMOND
SATO, in his capacity as
Chairperson/Director of the State of Hawaii
Department of Accounting and General
Services; STATE OF HAWAII; BENJAMIN
J. CAYETANO, in his official capacity as the
Governor of the State of Hawaii; CHARLES
OTA, COLLETTE MACHADO; NALANI
OLDS; NANI BRANDT; CLAYTON HEE;
GLADYS BRANDT; DANTE
CARPENTER; ILEI BENIAMINA; and
HANNAH SPRINGER, in their capacities as
Trustees of the Board of Trustees of the
Office of Hawaiian Affairs,

Defendants - Appellees.

JOHN CARROLL,

Plaintiff,

and

PATRICK BARRETT,

Plaintiff - Appellant,

v.

No. 01-17277

DC No. CV 00-645 DAE

JAMES NAKATANI, in his capacity as
Chairperson/Director of the State of Hawaii
Department of Agriculture; PAUL
LAMAHEU, in his capacity as
Chairperson/Director of the State of Hawaii
Department of Education; TIMOTHY E.
JOHNS, in his capacity as
Chairperson/Director of the State of Hawaii
Department of Land and Natural Resources;
SEIJI NAYA, in his capacity as
Chairperson/director of the State of Hawaii
Department of Business Economic
Development & Tourism; KAZU
HAYASHIDA, in his capacity as
Chairperson/Director of the State of Hawaii
Department of Transportation; RAYMOND
SATO, in his capacity as
Chairperson/Director of the State of Hawaii
Department of Accounting and General
Services; CHARLES OTA, COLLETTE
MACHADO; NALANI OLDS; NANI
BRANDT; CLAYTON HEE; GLADYS
BRANDT; DANTE CARPENTER; ILEI
BENIAMINA; and HANNAH SPRINGER,
in their capacities as Trustees of the Board of
Trustees of the Office of Hawaiian Affairs,

Defendants,

VICTORIA HOLT-TAKAMINE; PIILANI
SMITH; WAYNE KAHO'ONEI PANOKE;
MOMI KAMAHELE; TRUSTEES OF THE
OFFICE OF HAWAIIAN AFFAIRS,

Defendant - Intervenors,

and

STATE OF HAWAII; BENJAMIN J.
CAYETANO, in his official capacity as the
Governor of the State of Hawaii,

Defendants - Appellees,

ILIO'ULAOKALANI COALITION; OFFICE
OF HAWAIIAN AFFAIRS; STATE
COUNCIL OF HAWAIIAN HOMESTEAD
ASSOCIATION,

Defendant - Intervenors - Appellees.

Appeal from the United States District Court
for the District of Hawaii
David A. Ezra, Chief District Judge, Presiding

Argued and Submitted
May 9, 2002 - Honolulu, Hawaii
Submission Deferred May 10, 2002
Resubmitted October 14, 2003*

Before: WALLACE, TASHIMA, and TALLMAN, Circuit Judges.

In *Carroll v. Nakatani*, 342 F.3d 934 (9th Cir. 2003), this court affirmed the
district court's dismissal for lack of standing of plaintiff's underlying action.

Accordingly, appellants' motion to intervene in that action has been rendered
moot. This appeal is therefore dismissed on account of mootness. No costs.

* Due to a clerical error the case 02-15483, *Carroll v Nakatani* was included
in the order resubmitting these cases filed October 14, 2003. 02-15483 is not
resubmitted.

APPEAL DISMISSED.